

GREATER LONDON AUTHORITY

Request for Greater London Returning Officer (GLRO) Decision – DD-GLR016-23

Title: Archiving & Retention of ballot records from the 2016 Mayoral Election

Executive Summary:

The Mayor of London and London Assembly Elections will take place on Thursday 5th May 2016.

A decision is required to appoint the Greater London Authority's (GLA) current archiving contractor to collect the c. 10,300 ballot boxes from the three election Count Centres, store them and ultimately after 12 months destroy the ballot papers contained in the boxes.

The GLA's archiving service is provided under a Transport for London (TfL) contract. This contract is currently in the process of being re-tendered. Should the incumbent not be successful in retaining the contract an exit fee would become payable for transferring the ballot boxes to the new contractor.

As the ballot boxes will only be retained for a 12 month period, to save unnecessary cost, it is proposed that a separate 12 month contract with Crown is entered into for the storage of the ballot boxes.

Decision:

Under GLRO delegation, that the Deputy GLRO approves:

1. Expenditure of up to £74,500 to enter into a separate contract with Crown for the collection of ballot boxes from the three Count Centres at Alexandra Palace, Excel, and Olympia, their storage for a minimum period of 12 months and ultimately their destruction.
2. A related exemption from section 4.1 of the contracts and funding code which requires call off from a suitable framework or for a formal tender process to be undertaken, for the appointment of Crown. The retention of the archived ballot boxes at Crown for the duration of the required storage period, regardless of the result of the re-tendering exercise that is currently being undertaken by TfL for the GLA Groups archiving services.

Deputy Greater London Returning Officer

The above request has my approval.

Signature



Date

25/4/16

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. The elections for the Mayor of London and the London Assembly will take place on 5th May 2016. The votes will be counted, using electronic counting machines.
- 1.2. The Election count will take place on 6th May 2016 at three venues in London; Alexandra Palace, Excel and Olympia. Each venue is designated as an Election's Count Centre.
- 1.3. The GLA has already hired the 3 venues to act as Count Centres for a fixed and non-negotiable period of time. Timing is of the essence in all the arrangements involved in the delivery of the elections results.
- 1.4. The ballot papers will be delivered in the ballot boxes to the 3 Count Centres by the respective Boroughs on the late evening of the 5th May and will be counted using electronic counting machines on 6th May 2016. Once the votes are counted the ballot papers will be returned to the ballot boxes.
- 1.5. The ballot boxes will then be collected from the 3 Count Centres, documented and placed into deep storage for a period of 12 months. At the end of the 12 month period, unless there has been a need to retrieve and retain a ballot box (es), then the boxes will be securely destroyed and contents recycled.
- 1.6. Approval is being sought for an expenditure of circa £74,5000. The exact cost will be dependent on the number of ballot boxes that are used in the Elections and any subsequent retrievals during the storage period.
- 1.7. The GLA's current archiving service is provided under a Transport for London (TfL) contract. This contract is currently in the process of being re-tendered. Should the incumbent not be successful in retaining the contract an exit fee would become payable for transferring the ballot boxes to the new contractor.
- 1.8. As these boxes will only be retained for a 12 month period, to save unnecessary cost, it is proposed to enter into a separate contract with the incumbent and leave the boxes with them until the retention period expires, regardless of the outcome of the tendering process. The retention of some or all of the boxes may go beyond the 12 month period should it become necessary as the result of an investigation into any aspects of the voting. A related exemption is being sought from the GLA's Contract and Funding Code for the appointment of Crown for this contract. The proposed contract will be on the same terms and conditions as the current service provision.

2. Objectives and expected outcomes

- 2.1 The objective of this decision is to appoint the GLA's incumbent archiving contractor to provide the following services in support of the 2016 Mayoral and Assembly.
 - The storage of the flat pack ballot boxes prior to collection by the London Boroughs, where they have no storage capability.
 - Once the election count and announcement process has been completed, the documenting and collection of c.10,300 ballot boxes spread across the 3 elections Count Centres at Alexandra Palace, Excel and Olympia.

- The entering of the collection data onto the GLA's corporate archiving system to enable ballot boxes to be retrieved from storage should it become necessary.
 - The storage of the ballot boxes for a period of 12 months in a secure facility.
 - At the end of the 12 month period the secure destruction of the ballot papers contained in the ballot boxes.
 - The continued storage of any ballot boxes that may be subject to an enquiry and once that is completed the secure destruction of the ballot papers.
- 2.2 Time is of the essence in the collection of the ballot boxes at all 3 count centres, and the contractor will be required to work co-operatively and in conjunction with the GLA's Venue Operations Managers and the GLA's Prime Contractor, Adfield Harvey.
- 2.3 The expected outcome is that the ballot boxes will be collected from the Count Centres in a timely manner during the late evening of Friday 6th May and into the early morning of Saturday 7th May, accurately documented, based on the information provided on the boxes by the respective Constituencies and stored securely with authorised access and retrievals being available should the need arise.

3. Other considerations

a) Key risks and issues

- 3.1 The programme for the de-rig of the Count Centres is time critical and the collection of the Ballot Boxes is part of this process. To ensure that there is sufficient time to de-rig and clear the Count Centres, the Ballot Boxes will need to be collected during the early hours of Saturday 7th May. The Local Authorities that cover both Excel and Olympia have imposed commercial vehicle movement restrictions in the quiet hours in the vicinity of the venues. Exemptions will, therefore, have to be sought from these Local Authorities to ensure that the Ballot Box collections are achieved on time. If this is not achieved and the GLA is subsequently late in vacating the venues, financial penalty clauses may be imposed by the venues under the hire contracts.
- 3.2 Ballot boxes are lost or misplaced during the collection and storage process. This will be mitigated by the archiving contractor, Crown, having robust procedures and an audit process.
- 3.3 Additional costs may arise if ballot boxes need to be withdrawn from the archive store or if the retention period for some or all boxes is extended to beyond the 12 month period, for whatever reason.

b) Impact assessments and consultations.

- 3.4 Consultation has taken place with TfL Procurement and with Facilities Management.
- 3.5 The Archiving contractor, Crown, have confirmed they have the logistical capability to collect the c. 10,300 ballot boxes spread over the 3 Count Centres in a short time period.

4. Equality comments

- 4.1 The collection and archiving of the Ballot Boxes does not present any equalities issues.

5. Financial comments

The expenditure of up to £74,500 is to appoint Crown Services to provide a collection services for the ballot boxes at the three count centres. This expenditure will be contained within the 2016/17 Elections Budget.

Legal comments

- a. By section 29 of the Greater London Authority Act 1999 the Greater London Returning Officer ("GLRO") is the person appointed as the proper officer for the purposes of section 35(2C) Representation of the People Act 1983 ("RotPA") (returning officer at elections of Mayor and London members). The Mayor and Assembly have appointed the Head of Paid Service the GLRO as part of his terms and conditions of employment.
- b. The GLRO is the returning officer for the Mayoral and London Member elections, and constituency returning officers are the returning officers for the election of a Constituency Member of the Assembly. The Authority must, under section 36(4B) of RotPA, pay for all expenditure properly incurred by a returning officer in relation to the holding of an Authority election, in so far as it does not, in cases where there is a scale fixed by the Authority, exceed that scale.
- c. The Authority's Scheme of Delegation enables the GLRO to incur expenditure for the purposes of the preparation or conduct of any anticipated election as he considers necessary or expedient for that purpose. He is also able to authorise entry into contracts, licences or other instruments, in connection with an anticipated election in accordance with the Authority's Contracts and Funding Code and Financial Regulations. The GLRO has delegated that authority as set out in memo of 20 April 2016.
- d. Section 4 of the Contracts and Funding Code (the 'Code') requires the GLA to seek a call-off from a suitable framework or to undertake a formal tender process for the services required. However, the GLRO may approve an exemption from this requirement under section 5 of the Code upon certain specified grounds. One of those grounds is that the approval of the exemption is Crown's previous involvement in the project. Officers have indicated at paragraphs 1.7 and 1.8 above that this ground applies and that the proposed contract affords value for money.

On this basis, the GLRO may approve the proposed exemption if satisfied with the content of this report.

7. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract	TBC
Announcement	TBC
Delivery Start Date	Fri 6 May 2016
Final evaluation start and finish (Internal)	N/A
Delivery End Date	Sat 7 May 2016
Project Closure:	Sat 7 May 2016

Appendices and supporting papers:

None

Public access to information

Although the GLRO form is not subject to the Freedom of Information Act 2000 (FOI Act), the information in this form will be published on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it will be deferred until a specific date. Deferral periods will be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice whose publication may be prejudicial or commercially sensitive should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form -NO

ORIGINATING OFFICER DECLARATION:	
	Drafting officer to confirm the following (✓)
Drafting officer: Matt Boyayanlar has drafted this report in accordance with GLA procedures and confirms that the Finance and Legal have commented on this proposal as required, and this decision reflects their comments.	✓
The Deputy GLRO has reviewed the request and is satisfied that it is correct and can be approved	✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Belle

Date

25.4.16

